

Colorado. Laws, statutes, etc. Compilations
MILLS^{et}

Annotated Statutes

OF THE

State of Colorado

REVISED EDITION

VOLUME I

Embracing all General Laws of the State

(Except Code of Civil Procedure)

In force January 1, 1912

with

Notes of all Colorado Decisions Construing or Affecting the Same

by

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2. Former Laws: R. S., '68, p. 228, § 147; G. L., '77, § 746.

3. Vagrancy is, we believe, the only statutory misdemeanor that is likewise a matter of local municipal cognizance wherein a jury trial is not accorded under the statute. *McInerney v. City*, 17 Colo. 302, 311; 29 P. 516.

4. This section referred to. *Malere v. City of Denver*, 1 Colo. Dec. Supp. 197, 198.

1963. Having instrument with intent to break building etc.—If any person shall be found having upon him or her any picklock, crow, key, bit, or other instrument or tool, with intent feloniously to break and enter into any dwelling-house, store, warehouse, shop or other building containing valuable property, or shall be found in any of the aforesaid buildings with intent to steal any goods and chattels, every such person so offending shall, on conviction, be deemed a vagrant, and punished by confinement in the penitentiary for a term not exceeding two years. [L. '61, p. 314, § 117; amended, R. S. '68, p. 228, § 148; G. L. '77, § 747; G. S. '83, § 869; 1 M. A. S., § 1363; R. S. '08, § 1829.

1964. Carrying concealed weapons—penalty.—No person, unless authorized so to do by the chief of police of a city, mayor of a town or the sheriff of a county, shall use or carry concealed upon his person any firearms, as defined by law, nor any pistol, revolver, bowie knife, dagger, sling shot, brass knuckles, or other deadly weapon. Any person who violates the foregoing provisions shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in jail for a period of not exceeding one year or by a fine of not more than Five Hundred (\$500.00) Dollars, or by both such fine and imprisonment. Any person who has been once convicted hereunder shall for a second offense be guilty of a felony and, upon conviction shall be punished by a fine of not more than One Thousand (\$1,000) Dollars or by imprisonment in the penitentiary for not exceeding two (2) years, or by both such fine and imprisonment.

The foregoing provisions hereof shall not apply to any sheriff, or deputy sheriff, constable, policeman or other peace officer while on duty within his city, town or county.

It is hereby made the duty of all sheriffs, deputy sheriffs, constables, marshals and policemen to search without warrant all persons suspected of violating the provisions hereof and to arrest without warrant all persons violating the same and to bring them before the nearest justice of the peace or police magistrate for trial or preliminary examination for such offense. In case any sheriff, deputy sheriff, constable, marshal or policeman shall fail, neglect or refuse to search any person suspected of violating the provisions hereunder, upon the request of any reputable freeholder of the county, such officer shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than One Hundred (\$100.00) Dollars.

All firearms and concealed weapons within the meaning of this act found upon or taken from persons violating the same shall be forfeited to the county, and be confiscated and destroyed.

Justices of the peace within their respective counties and police magistrates within their respective cities or towns shall have jurisdiction to hear and determine all cases arising under the provisions of

this act, and appeals from their judgment shall lie to the County Court in the respective counties in the same manner as is now provided by law for appeals from judgment of justices of the peace in other cases of misdemeanor. [L. '11, p. 251, § 1.

1. An act to amend section 1 of an act entitled "An act to amend section one hundred and eighty-two (182) of chapter twenty-five (25) of the general statutes of the state of Colorado entitled 'Criminal Code,' being general section 870, as the same was amended April 10, 1885," approved April 10, 1891; concerning carrying of concealed deadly weapons. [Approved June 3, 1911; in force September 1, 1911.

2. Former Laws: L., '62, p. 56, §§1, 2; R. S., '68, p. 229, § 149; G. L., '77, § 749; L., '81, p. 74, § 1; G. S. '83, § 870; L., '85, p. 170, 1 M. A. S., § 1364; L., '91, p. 124, § 1; 3 M. A. S., § 1360; R. S., '08, § 1830.

3. An officer who has received information that a person is carrying concealed weapons, is justified in making search without a warrant. One resisting such search cannot question the constitutionality of this section as a defense. [Decision under L., '91, p. 129, § 1; 3 M. A. S., old ed., § 1364.] Keady v. People, 32 Colo., 57, 66; 74 P. 892.

4. In a prosecution for making an assault upon an officer, evidence that the officer had been told that the defendant was carrying a pistol was admissible to show the officer's authority to search him for concealed weapons. [Decision under L., '91, p. 129, § 1; 3 M. A. S., old ed., § 1364.] Id., 62.

5. The occurrence of the facts constituting a violation of this section work a forfeiture; and a defense in an action against the sheriff to recover a pistol taken from plaintiff need not show that a conviction was had under this section. [Construing L., '91, p. 129, § 1, 3 M. A. S., old ed., § 1364.] McConathy v. Deck, 34 Colo., 461, 467; 83 P. 135.

6. This section divides into two parts, one providing that upon conviction the defendant shall be fined, etc.; the other, that a violation of the statute shall work a forfeiture. Id., 471.

1965. Carrying weapon with intent to assault.—If any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined in any sum not exceeding five hundred dollars or imprisoned in the county jail not exceeding six months. [R. S. '68, p. 229, § 150; G. L. '77, § 749; G. S. '83, § 871; 1 M. A. S., § 1365; R. S. '08, § 1831.

1966. Penalty for selling or giving firearms or any ammunition to Indians—emergency.—Any person who shall sell or give away to any Indian, under any pretext whatsoever, any fire-arms, ammunition, or other munitions of any kind, which can be used in fire-arms, shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary for a term of not less than two years, nor more than five years. [L. '91, p. 132, § 1; 3 M. A. S., § 1347a; R. S. '08, § 1832.

1. An act to make the selling or giving away of firearms, ammunition, or other munitions which can be used in firearms, to any Indian, a felony, and provide a penalty therefor. [Approved April 13, 1891. In force April 13, 1891.

1967. Refusing to aid in arrest—to join posse comitatus.—Every male person above eighteen years of age who shall neglect or refuse to join the posse comitatus, or the power of the county, by neglecting or refusing to aid and assist in taking or arresting any person or persons against whom there may have been issued any civil or criminal process, or by neglecting or refusing to aid and assist in retaking any